

Information Guide - Maritime Property

Glossary of Terms and Definitions

Actual Gross Revenue means in each Lease Year, all money and the value in money of things derived by the Lessee from or in connection with the use or occupation of the Premises or the conduct of the Lessee's Business on the property including:

- All income generating activities associated with the use or occupation of the property by the Lessee;
- Direct service charges, including charges for the cost of supplying electricity, gas, telephone, data communications, cleaning and other personal services provided by the Lessee;
- Net income of poker machine revenues; and
- Subleasing, licensing or any sub-tenancy arrangements (including catering agreements) relating to any part of the property.

Adjoining Land means the land located adjacent to the proposed or existing lease of RMS property as owned by the prospective Lessee as at the commencement date of the lease.

Adjoining Landowner means the owner(s), as indicated on the Certificate of Title, of residential land which directly adjoins RMS property.

Administrative Decisions Tribunal means the independent statutory body established under the *Administrative Decisions Tribunal Act 1997* responsible for revising decisions made by Ministers, Government departments and agencies.

Agreed Rent means the rent as proposed and agreed by both RMS and the Lessee.

Agreement for Lease (AFL) means an agreement generally used for proposed lease transactions where the proposed Premises are still in the process of being refurbished and/or are to be constructed by the Lessor or Lessee. The AFL will include an agreed or standard pro-forma Lease Agreement attached, with details of the structure design and specification of the works to be done.

Alienation means the process of property being sold or otherwise transferred from one party to another by some legal means such as leases, sub-leases or licences. The RMS may impose restraints on Alienation in Lease Agreements.

Amateur Club and Community Group means:

- Community service organisations, being non-profit organisations that do not engage in commercial activity and operate primarily to service the community or an under privileged group or disadvantaged group and which is reliant on external funding support and does not have the capacity to generate significant income; and
- Specific interest groups, being non-profit organisations that undertake sporting or recreational activities and rely on members' fees, school fees or community fund raising to fund its activities and do not engage in significant commercial activities to raise funds, nor have significant capacity to generate income.

Annual Maintenance Plan means a report outlining the required reactive and preventative maintenance required for the property or portfolio in a given year and providing the estimated cost of that maintenance for budgeting purposes. The Annual Maintenance Plan is a basic plan for demonstrating need, analysing alternatives, proposing mitigation and selecting the most effective maintenance for the portfolio.

API means the Australian Property Institute (NSW Division).

Appeal means a request made by or on behalf of a Lessee in writing for a consideration or review of a decision made by RMS.

Acquisition means the act of purchase of property or properties by RMS or other party.

Asset Register means a list of all the properties in a particular entity or RMS agency required for financial reporting purposes and will include information about the properties related to valuations, depreciations, ownership, etc.

Assignment means the transfer of a Lease Agreement from one Lessee to another party in which all the first Lessee obligations and rights in the Lease Agreement are transferred and there is no longer any relationship to the first Lessee once executed.

Assessment Criteria means quantitative and qualitative criteria that RMS will use to assess the suitability of a prospective Lessee for a Lease Agreement related to a particular property.

Associated Entity has the meaning given to that term by Section 50AAA of the *Corporations Act*.

Authorised Deposit Taking Institution means an institution that is authorised under the Banking Act 1959 to take deposits from customers and is regulated by the Australian Prudential Regulatory Authority (APRA)

Authority means any organisation that is in a position to provide approval related to any application under the specific jurisdiction of that organisation and includes any government or governmental, semi-governmental, administration, fiscal or financial body, department, commission, council, authority, tribunal, agency or entity.

Average Revenue means the yearly average of the Actual Gross Revenue (including money or income derived from sub-leasing, licensing or any sub-tenancy arrangements (including catering agreements) relating to any part of the Premises) for the three financial years immediately updated from time to time in accordance with the Commercial Marina Rents Procedure.

Back-of-House means the area used in conjunction with the Water Based Facility Licence for storage, food preparation, an administrative office together with any other service associated or ancillary to the Licence subject to Licensor's consent.

Bank Guarantee means an unconditional undertaking by an Australian trading bank carrying on business in Sydney (or other financial institution that the Lessor may in its absolute discretion approve) and that:

- Is unconditional, irrevocable and does not contain a termination date;
- Contains terms and conditions acceptable to Roads and Maritime Services as determined in the absolute discretion of Roads and Maritime Services; and
- Be issued by an Authorised Deposit-Taking Institution regulated by the Australian Prudential Regulatory Authority (APRA).

Baseline Condition Report means a report that is prepared at the beginning of a Lease Agreement to detail the condition of the property at the commencement of the agreement and used as a baseline for the condition and Make Good obligations at the expiry of the Lease Agreement.

Base Rent means the amount of rent as specified in the Lease Agreement and that will be varied in accordance with rent variation clauses in the Lease Agreement.

Berth and Berthing means an area of water approved for the wet storage of Vessels adjacent to a fixed or floating facility and allows for walk-on access to the Vessels.

Berthing Area means the area of water that is marked on a plan attached to the Lease Agreement to indicate the approved location for a permanently berthed Vessel.

Berthing Licence Schedule means the schedule outlined in the Lease Agreement with details on berthing areas.

Breach means an act of breaking or failing to observe the obligations under the Lease Agreement or other contractual document.

Building Condition Report means a report with information and details describing the condition of a property and building structures with particular relevance to required planned or preventative maintenance to ensure the lifecycle is optimised.

Business Case means a document or series of documents setting out the details of the business and/or operations the Lessee proposes to carry out on the Land, including (but not limited to) details of any proposed major capital investment and/or proposed maintenance works. Where a Revenue rent is to be applied, a Business Case must also include details of costs of setting up, developing and running the business/operation and the estimated Revenue for the purpose of calculating the rent payable under the Lease and/or the Lease term.

Calculated Rent (Domestic) means the annual rent that is payable to RMS based on the relevant domestic lease precinct rate and the area of land subject to the lease.

Capital Dredging means the removal of material from the sea or harbour bed or the bed of a river, being an activity for the purpose of constructing a new or deeper navigational area or channel or re-opening a discontinued navigational area or channel, but does not include intertidal dredging or maintenance dredging.

Capital Investment means the financial commitment by the Lessee or RMS to purchase fixed assets such as land, machinery or buildings or to improve existing fixed assets to increase maritime and public amenities.

Capital Works means repairs and works required to the structure, services and exterior of the building that RMS or a Lessee is required to carry out on the property in terms of a Lease Agreement.

Cash Settlement means a financial payment made at the expiry of a Lease Agreement where the Lessee does not wish to undertake or has failed to comply with the obligations of the Lease Agreement to perform the Make Good works and instead transfers the cost of these works to RMS.

Casual Berthing means any temporary berthing, mooring or lying of a Vessel for a period of sufficient duration which enables loading and unloading of goods, embarkation and disembarkation of persons, or the launching and recovery of Vessels or to allow persons or Vessels to use the marina facility, provided that the Vessel must be monitored at all times.

Closed Tender means a procurement procedure whereby a request for tender is published and invites a select list of pre-qualified or specialist tenderers to participate in the procurement process and submit tender responses.

CML means a commercial mooring licence issued by Roads and Maritime Services that permits a licensee to occupy navigable water with a registered Vessel in accordance with the requirements and approved purpose of the licence (See also the definition for Commercial Mooring Licence in this glossary).

Common Law Access means the common law rights held by adjoining landowners to access a waterway from their property.

Co-termination means a number of Lease Agreements having the same termination date and is applicable in the following situations:

- When adjoining land not owned by Roads and Maritime Services is leased, from the owner of the adjoining land, for a term that extends for the same duration as the lease over the RMS Maritime Property; or
- When a commercial mooring license issued by Roads and Maritime Services extends for the duration of a commercial lease (in accordance with the Exemption Notice at Attachment 1 rather than Clauses 39 and 39A of Division 3 of the Management of Waters and Waterside Lands Regulation – NSW).

Commencement Date means the beginning date of a Lease Agreement and the date when the Lessee can exercise their rights over the leased property.

Commercial Lease means a Lease Agreement for Maritime Property for commercial purposes (previously subject to the superseded NSW Maritime Commercial Lease Policy) if negotiated or renegotiated on or after 1 January 2009.

Commercial Marina means a marina offering short- or long-term berthing services to the general public for a fee and may include the provision of public access and supporting activities such as cafes and toilets, minor repairs, maintenance, refuelling and/or the brokerage of new and used Vessels.

Commercial Marina Rent Procedure means the framework for determining commercial rents for occupations on or over land owned by Roads and Maritime Services that is used as a commercial marina.

Commercial Maritime Property means property where maritime related activities and operations are undertaken in accordance with a Commercial Lease.

Commercial Mooring License means an occupation license issued under Part 2, Division 3 of the *Management of Waters and Waterside Lands Regulation NSW*, or any replacement legislation, to a company or other entity conducting a maritime business. The commercial mooring license will relate to a maximum number of commercial moorings that may be operated by the licensee in accordance with the approved purpose of the license.

Commercial Purposes means uses associated with business activities such as commercial marinas, industrial, Registered Club, and retail activities.

Communications Apparatus means any antenna or aerial (including any posts and supports) that will extend above the fixing point by more than 2 metres and any satellite dish of any size.

Community Purposes means the use of RMS land for structures and uses associated with community purposes including public access, Government, Amateur Club and Community Group activities.

Comparable Market Evidence means **current** rental, sales or valuation evidence of similar property for leases or for sale that are directly comparable to the subject property for which a valuation is being undertaken and provides direct evidence of the likely rent or price that the property would command in the market if it was available for lease or for sale.

Compulsory Acquisition means the power of a Government Agency to acquire property belonging to a private person or company for use for public purposes and to compensate the prior owner based on the market value for the property. The compulsory acquisition process is regulated by the *Land Acquisition (Just Terms Compensation) Act 1991*.

Compensation means the financial settlement awarded to a person or a company as a recompense for loss, injury or suffering.

Compliance Monitoring means the review undertaken to ensure that rules, regulations and legislation as well as Lease Agreement obligations have been and continue to be complied with.

Concession means a relief granted to individuals that meet certain eligibility criteria, **for** rental payments associated with domestic waterfront leases.

Construction Certificate means a certificate referred to in section 109C (1) (b) of the *Environmental Planning and Assessment Act 1979 (NSW)*.

Contamination, Contaminate, Contaminant and Contaminated means the presence in, on or under the property, including the soil and groundwater of a toxic substance at a concentration that presents a significant risk of harm to human health or any other aspect of the environment.

Contractor means a licenced person or company that undertakes a contract to provide services, materials or labour to perform a service or undertake and complete a project.

Corporations Act means the *Corporations Act 2001 (Commonwealth)*.

CPI means the Consumer Price Index (Sydney – All Groups) as published by the Australian Bureau of Statistics from time to time or the index officially substituted for it by the Australian Bureau of Statistics and if no such index is available, such published price index selected by Roads and Maritime Services acting reasonably.

Critical Date means a date in a lease, licence or occupancy agreement or maintenance plan by which a specific task or action must be completed. In the case of Lease Agreements examples of Critical Dates include lease option notice periods, rent reviews, market reviews, and lease expiry dates.

Current CPI means the quarterly CPI index number last published immediately before the relevant Review Date determined on the lease.

Customer means that Lessee or party that is leasing or purchasing or utilising RMS Maritime Property or services.

Damage means any damage to the property and may include:

- Structural or non-structural damage;
- Material or non-material damage;
- Complete or partial destruction of the Premises;
- Complete or partial destruction of or malfunctioning of any Services;
- Contamination or Pollution of the Property or any part of the Premises; or
- Damage caused by civil commotion, riot, explosion, fire, flood, lightning, storm, tempest, earthquake, aircraft, act of God or war.

Dangerous Goods mean solids, liquids or gases that are toxic and can harm people, other living organisms, property or the environment.

Davit means a mechanical device for lifting or lowering a Vessel into or from the water. A similar device known as a 'whip' may also be used for this purpose. Such devices may also be used for the storage of small vessels if relevant planning approvals are obtained.

Deed of Agreement means a binding agreement between parties in which both parties undertake to perform a particular project or action.

Default means a breach of the lease by the Lessee.

Default Rate means as at the relevant date the rate of interest per annum being two (2) percentage points greater than the rate charged by the Commonwealth Bank of Australia on that date on overdraft facilities of \$100,000 or more.

Deposit means a financial sum placed or kept in a bank account or trust as security for the Lessor to ensure that the Lessee entering into the Lease Agreement fulfils all obligations under the Lease Agreement.

Development Application has the same meaning as defined in Section 4 of the *Environmental Planning Assessment Act 1979 (NSW)*.

Development Consent means any Development Consent or approval granted by a relevant authority in respect of the property, the Lessee's business, the permitted use and any circumstance that created valid use rights in relation to the property and includes any modification or variation to that consent or approval from time to time.

Development Consent Authority means the authority prescribed by the *Environmental Planning Assessment Act 1979 (NSW)* to be the appropriate authority to consider and determine any development application in relation to the Existing Lease Premises and the Licensed Area.

Dilapidated and Dangerous Structures means any structure which has conditions or defects to the extent that life, health, property or safety of the public or the structure's occupants is endangered.

Disposal means the action or process of selling a property.

Dispute means a disagreement about a particular cost, obligation or action.

Division of Waterway (DoW) means a line that has been determined by Roads and Maritime Services at its absolute discretion, and is plotted on plans to equitably apportion the areas of a waterway relative to the frontages of foreshore land parcels. The DoW is administrative in nature and used to avoid disputes and is not intended to confer any rights upon any adjoining landowner.

Domestic Lease means a Lease or Licence issued by RMS in relation to the use of its land and any structures on that land in association with a private residence and used for a private non-commercial purpose.

Domestic Waterfront Lease means a Lease or Licence over RMS property for private domestic purposes including, but not limited to, boat sheds, boat repair facilities, jetties, marinas and reclaimed land associated with a private residence and used for a private non-commercial purpose.

Due Diligence means the reasonable steps to be undertaken by a person or organisation to investigate a property prior to signing a contract for purchase or lease.

Expression of Interest (EOI) means a response to an open approach to the market requesting submissions from businesses interested in participating in procurement. The list of potential suppliers who have submitted expressions of interest may be used as the basis for conducting a select tender process.

Employees and Agents mean each of the employees, officers, agents, contractors, service suppliers and licensees of a party.

Encumbrance means any of the following:

- Security for the payment of money or performance of obligations, including a mortgage, charge, lien, pledge, trust, power or title retention arrangement; or
- Right of set-off, Assignment of income, garnishee order or monetary claim; or
- Notice or direction under Section 218 or Section 255 of the *Income Tax Assessment Act 1936 (Commonwealth)* or under section 260-265 of the *Taxation Administration Act 1953 (Commonwealth)* or under any provision of any law that has a similar effect or any agreement to create or allow them to exist.

Enforcement Action means a regulatory tool used by the NSW Government to correct problems or effect a change when party to an agreement does not comply with the terms of the agreement or where a regulation is breached.

Entity means a sole trader, partnership, Company or other trading structure.

Environment means the components of the earth, including:

- Land, air and water;
- Any layer of the atmosphere;
- Any organic or inorganic matter and any living organism;
- Human-made or modified structures and areas; and
- Interacting natural ecosystems.

Environmental Consultant means an independent environmental consultant who in the opinion of Roads and Maritime Services, acting reasonably has the necessary experience and expertise required to assess the property.

Environmental Law means any law relating to the environment or the protection of the environment and any other law relating to contamination or pollution.

Environmental Notice means any direction, order, demand, licence or other requirement from a relevant authority in connection with any environmental law to take any action or refrain from taking any action in respect of the property and any adjoining or neighbouring Premises, land or waterway.

Environmental Site Assessment means an environmental assessment of the property generally in accordance with any relevant guidelines at any time issued by the Environmental Protection Authority (NSW) and current industry practice that so far as is possible does the following:

- Identifies the nature and extent of contamination and pollution, if any; and
- Recommends a method of removing or otherwise addressing the contamination and pollution and remediating and restoring the property or any adjoining or neighbouring properties, land or waterway; and
- Outlines the investigation undertaken to identify the nature and extent of the contamination and pollution on the property.

Evaluation Criteria means the criteria used to evaluate the compliance and/or relative ranking of tender responses based on the evaluation criteria clearly stated in the request documentation issued to market participants.

Evaluation Panel means the group of representatives selected by RMS to evaluate proposals related to properties and prospective Lease Agreements.

Exacerbate(d) means, in relation to contamination or pollution, any conduct which:

- Disperses or increases the area of that contamination or pollution;
- Digs up, brings to the surface or otherwise disturbs that contamination or pollution; or
- Otherwise makes the remediation of that contamination or pollution necessary.

Existing Commercial Mooring Licensing System means the system implemented by RMS prior to the date of adoption of current procedure and which, in accordance with Clauses 39 and 39A of the *Management of Waters and Waterside Lands Regulation – NSW*, limits the duration of a commercial mooring license to 1 or 3 years, depending on the class of license.

Existing use has the meaning given to it in Division 10 of the *Environmental Planning and Assessment Act 1979*.

Expert means a person with comprehensive and authoritative knowledge or skill in a particular specialist area of expertise.

Expiry Date means the terminating date of a Lease Agreement after which date the Lessees will no longer have any rights to occupy and benefit from the property under the Lease Agreement.

Expiry Notification means the formal written notice given to the Lessee by the Lessor of the pending expiry date of the current Lease.

Fairway means an unobstructed area of waterway that allows Vessel movement between moored and berthed Vessels and/or structures.

Final Occupation Certificate means a final occupation certificate under Part 4A of the *Environmental Planning Assessment Act 1979 (NSW)* in respect of the premises.

Final Plan means a final plan of subdivision of the Land prepared by the Lessee, at the Lessee's cost, that takes account of and identifies the shape and dimensions of the Improvements constructed on the land, the land to be occupied, and that is capable of being registered as a deposited plan at Land and Property Information.

Financial Assessment means the collection of revenue and asset information related to a prospective or existing Lessee to determine their viability and eligibility for a lease or a concession.

Fire Safety Legislation means any Law that relates to fire safety and statutory fire safety measures including the *Environmental Planning and Assessment Regulation 2000 (NSW)*.

Footpath Seating means in the context of retail outlets seating and tables that are positioned on a public footpath, or publicly accessible area, and are available for exclusive use by the retailers' customers.

Freehold Property means property that is owned by Freehold or Torrens Title by an individual, group of persons or other legal entity.

Front-of-House means the area used in conjunction with a Water Based Facility Lease for the service of customers which can include ticketing, sale of goods, information, seating and any other service associated or ancillary to the Lease subject to Lessor/Licensor's consent.

Gabion Wall means a series of caged rocks placed on the bed of the waterway to minimise the frequency of maintenance dredging.

Gaming Legislation means the Laws in place from time which govern the allocation of poker machine entitlements and the administration and regulation of approved gaming machines, including the presentation of prizes and bonuses, in New South Wales which at the commencement date of the lease includes but is not limited to the *Gaming Machine Act 2001 (NSW)*;

General Ledger means a financial management system that contains all the financial accounts and transaction details of a business or enterprise with functionality to manage debits, credits, assets, liabilities, equity, revenues and expenses associated with the business.

Goodwill means the value placed upon the established reputation of a business and regarded as a quantifiable asset such as associated with a restaurant, Marina or brand name.

Governance Plan means the plan allocating the roles, responsibilities and processes to manage a business enterprise and contract arrangements.

Gross Revenue means the income received for good and services over a given period of time prior to and deductions for operating and other expenses.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999 (Commonwealth)*.

GST means the goods and services tax imposed by legislation enacted by the Commonwealth of Australia including a tax imposed by the GST Act and the related imposition acts of the Commonwealth.

Guarantee Amount (Bank Guarantee) means the amount used as a deposit to guarantee certain financial commitments in terms of certain clauses referred to in a Lease or Development Agreement.

Harbour Channels mean channels that are maintained at the bottom of the harbour for the purpose of providing safe passage and navigation by small and large Vessels in and out of various maritime port facilities. Harbour channels require regular dredging due to the nature of the harbour and the effect of the movement of Vessels through the channels.

Harbours means Sydney Harbour, Botany Bay, Newcastle Harbour and Port Kembla Harbour.

Hardship Relief means the financial assistance provided to domestic Lessees who apply and who meet the Hardship Relief criteria and may receive assistance in the form of extensions of time, tailored payment plans or other mutually acceptable options.

Hazardous Material means material that, because it is toxic, corrosive, flammable, explosive, or infectious or possesses some other dangerous characteristic, has the potential to present a risk of harm to people, including their health or to any other aspect of the Environment.

Hazardous Materials Register means a register of all the materials known to possess some dangerous characteristic to humans and or assets it may come in contact with.

Heads of Agreement (HOA) means a non-binding document outlining the key commercial terms sought and agreed upon between the parties in the negotiation process. A Heads of Agreement usually represents the first step in the negotiation process towards a full legal binding lease or other agreement.

Head Lease means the Lease Agreement between a Lessee and Lessor for a property with the provision that the Lessee has the ability to grant Sub-leases usually with Lessor consent, and usually containing obligations for the Sub-lessee to comply with all terms of the Head Lease.

Head Lessee means the person or entity to which RMS has granted a Lease (see also definition of Lessee in this glossary)

Hydrographic Survey means a survey of seabed depths at the Premises, including an appropriate buffer beyond the extent of the occupation or proposed works, conducted by a qualified surveyor as specified in Roads and Maritime's 'Guidelines for Hydrographic Survey and Geotechnical Data and consisting of:

- a) A plan of the survey, signed by the surveyor, including usual title block details such as the site description, the surveyor's name and date of the survey, the plan's scale and datum, and such other information generally included in a survey; and
- b) A data file of the survey, also known as the "xyz" file, with horizontal co-ordinates geo-referenced to the Map Grid of Australia (MGA) and depths referenced to Zero Fort Denison Tide Gauge or the local vertical port datum in locations outside Sydney Harbour; and
- c) A CAD file of the survey, geo-referenced to the Map Grid of Australia(MGA) coordinates, containing the depths and interpolated depth contours as shown on the signed survey plan; and
- d) An indemnity and release form signed by the surveyor; and
- e) A method statement signed by the surveyor.

Identification Plan means the plan annexed to the Lease Agreement.

Improvements means all structures such as buildings, piles (including free standing piles), fuel tanks and lines, pontoons and ramps affixed at any time on the leased property (including structures on both the leased property and the adjoining property), other than the Lessee's property.

Improvement Works means works completed on the property to improve the structure, services, building, equipment or the provision of a maritime or public amenity.

Independent Valuation Review means a review performed by competent, objective reviewers of valuations who are independent from the lease or other property agreement and have no interest or concern in the outcome of the review.

Independent Valuation means a valuation conducted by a member of a panel of independent Valuers appointed by RMS and Qualified Valuers in New South Wales. All independent valuers must be members of the Australian Property Institute.

Industrial Purposes means the provision of 'working harbour' services including boat repairs, salvage, marine infrastructure installation and maintenance (see also definition of Maritime Industrial in this glossary)

Infrastructure Purposes means the use of RMS land associated with Public Wharves, Utility Infrastructure, public boat ramps, board walks, foreshore protection structures and Unallocated land.

Insolvency Event in relation to a corporation means the following:

- Where an order is made or an effective resolution is passed for the winding up, insolvency, administration, reorganisation, reconstruction or dissolution of that corporation;
- Where a liquidator, provisional liquidator, receiver or receiver and manager, trustee, agent for a mortgagee in possession or similar officer is appointed in respect of all or any part of the assets or undertaking of that corporation and such appointment is not rescinded or revoked within a reasonable time;
- Where pursuant to the provisions of the *Corporations Act*, that corporation enters or executes a deed of company arrangement; or
- Where that corporation is unable, or admits its inability to pay its debts as they fall due or enters into or seeks to enter into any composition or other arrangement with its creditors; and by the Lessor on its website, or in such other way, if any, as the Lessor determines appropriate.

Insolvency Event in relation to an individual where that individual:

- Is declared bankrupt;
- Enters into a scheme of arrangement with its creditors;
- Makes any Assignment for the benefit of its creditors; or
- Becomes a mentally ill person or mentally disordered person in accordance with any relevant law or the requirements of any relevant authority.

Inspection means a formal or official examination of the property, its condition and the way it is being utilised.

Interim Rent means rent invoiced by the Lessor prior to the availability of revenue figures or valuation information that is required to determine applicable rent under the Lease.

Key Performance Indicators (KPI) mean measurable assessments used to evaluate the success and performance of an activity or property or portfolio.

Land means:

- Land vested in RMS, including reclaimed lands and the beds of the Harbours; and
- Any other lands vested in or transferred to RMS from time to time,

and includes structures and improvements fixed to the Land.

Land and Property Information (LPI) means the Division under the Department of Finance Services and Innovation the key provider of land information services in New South Wales and provides land title registration, property information, valuation, surveying and mapping.

Land Assessment means the review of the condition of the property or land prior to occupation in order to determine the optimal use (see also the definition of Site Assessment in this Glossary).

Land Improvements have the meaning given to them in the *Valuation of Land Act 1916* and therefore include retaining walls, filling or other works associated with the reclamation of land.

Land Tenure Agreement means in the context of this policy a lease, licence or other legally binding form of agreement to occupy property or land.

Lease means a contract obligating the Lessee to pay rent for and comply with the terms of use of the property while the Lessor has certain obligations in terms of provision of 'quiet enjoyment' of the property by the Lessee. A Lease is used in reference to a Licence, with the only difference being a Lease provides for exclusive occupation of the subject RMS property.

Lease Agreement has the same meaning as Lease.

Lease Default means a breach of the lease by the Lessee (see also the definition of Default in this glossary).

Lease Duration means the term for which the Lessee is permitted to occupy the property.

Lease Expiry Notice Period means the time period in which notice is required to be given by the Lessee to the Lessor of its intention to vacate the property.

Lease Year means each period of twelve (12) months commencing on each anniversary of the commencement date, the first such period commencing on the commencement date.

Leased Land means an area of Roads and Maritime Services land or property which is subject to a (domestic, commercial, infrastructure or community) Lease and upon which rent is payable and

incorporates the area occupied by structures, or used for activities, reclamations and the like as well as any submerged land for the exclusive use of the Lessee.

Lease Termination means the action of bringing an occupancy or Lease Agreement to an end either through the Lessee or Lessor serving notice in terms of the Lease Agreement (See also the definition of Termination in this glossary).

Lessee means an occupier(s) whose name(s) is (are) recorded on a relevant RMS :Lease.

Lessee's Obligations means the provisions contained in the Lease Agreement that are required to be performed and observed by the Lessee.

Lessee's Visitors means the Lessee's customers, clients, visitors, invitees and any other person who may at any time be on the property in connection with the Lessee (but not including the Lessee's employees, agents and others over whom the Lessee has control).

Lessee's Business means the business carried on in the property including the carrying on of the permitted use.

Lessee's Property means all plant, equipment, services, partitions, alterations, articles and chattels of any kind that are located on, or added to the Premises by the Lessee including stock-in-trade for the purpose of carrying on the Permitted Use including fire-fighting equipment, lights, floor coverings, air-conditioning items, hydraulic systems and any item pertaining to services, but excluding the Improvements.

Lessor means the Roads and Maritime Services (RMS), ABN: 76 236 371 088; person or entity that owns the property over which a Lease Agreement has been granted to a Lessee.

Liability means the state of responsibility that a party has to perform a task under a lease agreement or law.

Licence means an agreement provided by the Lessor to allow the Lessee to use the property for a non-exclusive or temporary use. A Licence has the same meaning as Lease, with the only difference being a Lease provides for exclusive occupation of the subject RMS property. A Licence does not.

Licensed Area means

- the area of Roads and Maritime Services property which is the subject of a liquor licence within the Lease Agreement; or
- an area of Roads and Maritime Services land or property which is subject to a (domestic, commercial, infrastructure or community) Licence and upon which rent is payable and incorporates the area occupied by structures, or used for activities, reclamations and the like as well as any submerged land for the exclusive use of the Licensee.

Licensing Authorities means the authority established:

- By the Liquor Legislation to administer and regulate liquor licensing and the sale and consumption of liquor in New South Wales and to enforce the Liquor Legislation; and
- By the Gaming Legislation to administer and regulate the operation and approval of approved gaming machines, including poker machines, and to enforce the Gaming Legislation

Liquor Legislation means the Laws in place from time to time which govern the issuing of liquor licenses and the administration and regulation of liquor licensing in New South Wales which at the commencement date of the lease refers to the *Liquor Act 2007 (NSW)*.

Liquor Licence means any liquor licence or permit held in relation to the Premises pursuant to Liquor Legislation.

Loss means any loss, claim, demand, action, suit, proceeding, cost, expense, penalty, payment, damage, liability or deficiency of any kind.

Maintenance Dredging means the clearing out of the bed of a harbour, river, or other area of water, by scooping out mud, weeds and rubbish with a dredge in order to provide deeper water for the berthing or movement of maritime Vessels.

Maintenance Plan means a maintenance and asset management plan in respect of the property.

Maintenance Plan Provisions means the provisions relating to the Lessee's obligation to prepare and implement a maintenance plan.

Make Good means the obligation to repair and restore any damage done by the Lessee during occupancy and to return the property to the landlord in the condition as at the commencement of the Lease Agreement or occupancy, whichever is earlier. In some circumstances, Make Good can include the removal improvements if required by the Lessor.

Make Good Report means a report detailing the relevant Make Good obligations under the Lease Agreement, the scope of works, estimated cost and outcome including photographic evidence.

Make Good Scope means the detailed list of the works required to comply with the Make Good obligations under the Lease Agreement that can be utilised by contractors to provide an estimated price for the works.

Marina Facility means the area of submerged land, water and marine structures within the leased land or property and used for the berthing and mooring of Vessels and the passage of Vessels.

Maritime Industrial generally means the provision of 'working harbour' services including boat repairs, salvage, marine infrastructure installation and maintenance.

Maritime Lease means a lease over Roads and Maritime Services land that is associated with maritime activities.

Maritime Property means property that maritime related activities and operations are undertaken.

Maritime-related activities includes commercial activities such as:

- The construction, repair, maintenance, storage, sale or hire of boats; and/or
- Fuelling, sewage pump-out or other services directly related to boating; and/or
- The launching or landing of boats, such as slipways or hoists; and
- Commercial, tourist or recreation activities that are ancillary to a boating facility, provided that any such activity is principally targeted toward users of the boating facility itself;

but not the use of land or provision of activities for a private non-commercial purpose.

Market Rent means the rent level either gross or net, that can currently be achieved in leasing negotiations between willing and able Lessors and willing and able Lessees for the same Premises based on the evidence of comparable lease transactions.

Market Rent Review means a rent review to determine the rent payable for the Premises assuming negotiations between a willing and able Lessor and a willing and able Lessee as at the specified review date.

Market Rent Valuation means a valuation conducted to ascertain the market rent for a property through inspection of the property and consideration of comparable market evidence and current market conditions.

Material has the same meaning as in Australian Accounting Standard 1031.

Material Default means a default or non-compliance with a Lease Agreement by the Lessee which would have a serious or substantial adverse impact on Roads and Maritime Services and includes;

- failure to make payment within a certain timeframe;
- failure to deliver goods or achieve key milestones by set dates;
- failure to achieve prescribed standards or comply with prescribed specifications.

Mooring Block means a weighted object used to tether a Vessel to a structure. It does not include a mooring for which RMS has issued a mooring licence in accordance with Part 2, Division 3 of the Management of Waters and Waterside Lands Regulation – NSW.

Mooring Pen has the same meaning as in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and does not include a mooring for which RMS has issued a mooring license in accordance with Part 2, Division 3 of the Management of Waters and Waterside Lands Regulation – NSW.

Net Lettable Area means the area of retail property on which rental is payable and is defined in accordance with the Property Council of Australia's Method of Measurement.

Notices mean instructions provided in writing, signed by the relevant party and delivered either in person, or to the recipients address for notices, or faxed or emailed to the recipients contact details as provided in the Lease Agreement.

Notice to Remove means a formal request to remove Lessee's fixtures, fittings and structural improvements from the relevant RMS property that is subject to the Lease Agreement.

Notional Rent means a minimal agreed rent (usually \$1 per annum paid by a Lessee to the Lessor for occupation of the Lessor's property to formalise the leasing arrangement.

Occupation Certificate means a certificate referred to in section 109C (1) (c) of the *Environmental Planning and Assessment Act 1979 (NSW)*.

Occupancy Instrument means the formal consent to occupy the component of public land where a structure straddles both RMS land and public land. It may be a lease, licence or other form of written agreement from the owner of the adjoining public land.

Occupation License has the same meaning as commercial mooring licence.

Occupier(s) means a person(s) who permanently resides on land adjoining RMS land whether as owner, via a lease agreement with the owner, or other lawful means.

Open Tender means a procurement procedure where a request for tender is published inviting businesses that satisfy the conditions for participation to submit tenders

Option means an extended term available to a Lessee providing notification is provided as per the requirements of a Lease Agreement and the Lessee is not in Default of the lease obligations.

Outgoings means all amounts, costs and expenses of any kind assessed by law, reasonably incurred or levied by law in respect of the property, ownership or occupation of any buildings on the property by the Lessee or rights of the Lessee in connection with such buildings or the property during the lease term, including:

- Rates, Taxes and Levies;
- Total of all charges paid or payable in connection with the supply, operation, maintenance, service, repair and replacement of Services and the upgrade of services to the property required by the Lessee; and
- Charge for the supply including charges for the installation and connection of services separately metered to the property.

Parent Company Guarantees means a guarantee made by the company that owns enough voting stock in the Lessee company to control management and operations.

Participation Agreement means an agreement in which a distributor or developer pays for the cost of the distribution facilities such as conduits, treated water reservoirs or pump stations required to provide service within that district from the nearest existing available source.

Peppercorn Rental means the nominal consideration or rental (usually \$1 per annum) used to satisfy the requirements for creation of a legal contract between the parties to a Lease Agreement.

Permitted Use means the use and activities as set out in Lease Agreement and includes any other use for which there is a Development Consent and which has been approved by the Lessor.

Pile means a post, used singly or in conjunction with another pile(s) to tether a Vessel.

Planned Maintenance means scheduled maintenance to the property that is required to ensure the on-going compliance, operations and service of the property to the benefit of the occupants.

Poker Machine Entitlements means the poker machine entitlements allocated in respect of the Premises.

Pollution has the meaning given to it in the *Protection of the Environment Operations Act 1997 (NSW)*.

Pontoon means a floating platform used to provide access to the water or a Vessel.

Port Bed Identification Survey Report means a report prepared by an independent professional identifying all material, structures and/or debris on the port bed within the property and any other relevant matters usually included in a Port Bed Identification Survey Report.

Precinct means the geographic areas of the harbour that have been defined by RMS for the application of the differential domestic rental rates.

Premises means the leased land and property together with the Improvements on it, if any, and includes any alterations and additions to those improvements made during the lease term.

Previous CPI means the CPI index number last published immediately before the review date preceding the relevant review date.

Private Landing Facilities has the meaning given to it in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed State Environmental Planning Policy).

Procurement Plan means a planning tool through which organisations or government agencies provide a summary of the strategic procurement outlook for the coming year and information on specific procurements they plan to undertake.

Projects Plan means the schedule of planned projects over the future months with projects ordered dependent on timing, cost and priority.

Property Categorisation means the selecting of the category use and the sub-division for the property.

Property Council of Australia Methods of Measurement is the guidelines and approach to the measurement of leased Premises for the application of rental rates.

Property Leasing Brief means the document that provides the key features of the property, the type of Lessee business being sought for a property and the key commercial terms.

Proponent means an individual or company that proposes a project or lease of a property.

Proportion of Operation Expenses means the Lessee share of the operating expenses based on the area occupied compared to the area of the property as a whole.

Public Access Leases means leases of land by community service organisations, local councils, specific purpose community groups, volunteer sporting and recreational clubs where the public can access and use the facilities or services for a nominal or no charge.

Public Land means property that is not owned by RMS or in private ownership but may be Crown land administered by a Commonwealth or State agency or Local Council.

Public Liability Insurance means where the Lessee is a business.

Public Sewerage Pump-out Facility means the system for sewerage pump out used at the property that complies with the Lessor's reasonable requirements and the Marine Pollution Regulation 2006.

Public Wharves means a structure, pier or piece of land where a boat, ferry or ship can be moored for loading and unloading as well as the ingress and egress of passengers and includes wharves servicing public and privately managed ferries used by commuters, charter boat cruises and licenses for temporary moorings for ferry operators.

Qualified Person means a practising structural engineer or such other person who is independent of the Lessee and who is approved and regarded by the Lessor acting reasonably as having the appropriate qualifications for marine structures.

Quality Assurance Review means the review to ensure that the services and reporting on the business, operation or portfolio are being managed at the expected level.

Quantity Surveyor means a quantity surveyor who is a member of the Australian Institute of Quantity Surveyors.

Rates, Taxes and Levies means all costs, charges, expenses, rates, taxes, land tax, assessments, charges, duties, fees and levies (including statutory parking space levies) imposed on the property or in connection with its use or occupation and other charges (including charges for consumption, sewerage, garbage and waste removal) imposed by law by a relevant authority together with any interest, fines and penalties in connection with them, (unless due to non-payment by the Lessor), but excluding:

- Any charges, fees or taxes imposed on, or calculated having regard to, the net income of the Lessor; and
- Taxes where recovery is specifically dealt with in the lease such as GST.

Reactive Maintenance means maintenance that is performed in response to a break-down requiring urgent, ad hoc or unplanned repairs.

Real Estate Agent means a person who is licenced with the NSW Office of Fair Trading to act as an agent for the sale or leasing of land or property.

Reclaimed Land means land or property under the control of Roads and Maritime Services that was formerly submerged but has been filled or drained for the purposes of reclaiming it as dry land.

Reclamation means any of RMS land or property that was formerly submerged but has been filled or drained for the purposes of reclaiming it as dry land.

Redevelopment Report means a report detailing the proposed improvements and asset renewals of a property to be undertaken including cost estimates.

Re-division means the combination of one or more parcels of land to form a larger parcel and the subsequent sub-division of the new land parcel to form two or more land parcels of desired size for separate uses.

Registered Club means a club registered under Part 2 of the *Registered Clubs Act 1976* for the provision of facilities for recreation, dining, entertainment and any other activities associated with the operation of that club and the provision of water-based recreational facilities and services such as sailing.

Registered Company Auditor has the meaning given to that term in the *Corporations Act 2001 (Commonwealth)*.

Related Company means a body corporate and a trust and in relation to:

- Body corporate means a related body corporate within the meaning of section 9 of the *Corporations Act*; and
- Trust means a trust that would be a related body corporate within that meaning assuming that the Trust were a body corporate and that a subsidiary meant a subsidiary for the purposes of that meaning.

Relevant Authority means any federal, state or local government, semi-government, quasi-government, administrative, fiscal or judicial department, or any entity agency, or other body, statutory or otherwise, and any court or tribunal having jurisdiction or power in relation to the Premises or activities on or use made of the Premises.

Remediation has the meaning given to it in the *Contaminated Land Management Act 1997 (NSW)*.

Remediation Management means management in relation to the actual or possible contamination of the land, including investigation into the existence, nature and extent of any contamination of the land and remediation of contaminated land.

Remediation Works means the works being undertaken or to be undertaken associated with the removal or treatment of contamination from RMS land.

Remove means, in relation to an Improvement, the following works to be carried out by the Lessee, at the Lessee's expense, to the satisfaction of the Lessor, acting reasonably and in accordance with the law:

- Removal and/or demolition from the leased land of the improvement; and
- Clearing of the bed of any submerged land and, in particular, the removal of all piles that are below or above the bed of any submerged land; and
- Making good of any damage incurred to the leased land as a result of the removal.

Rent means the rent payable under the Lease as varied from time to time in accordance with permitted variations.

Rent Abatement means a reduction in rental provided by the Lessor to the Lessee as a Rental Discount during the term of the lease resulting from the unavailability of the property.

Rent Area means that part of the Leased Land over which Rent is payable.

Rent Review means the annual rent review process in which increases are applied each year of the term of the lease to the rent payable. Rental increases may be based on fixed percentage, CPI, related to the current market rental, or a combination. (Occasionally reviews may result in rent decreases but it is unusual for review clauses to include provisions to permit decrease.)

Rental Discount Period means the period in which the Lessee will receive a discount on the rental of a property during a Lease Agreement.

Rental Discounts are discounts provided at the discretion of RMS to Lessees of property where there is significant capital investment, improvement of public amenities or encouragement of recreational boating on Sydney Harbour.

Rental Indexation means the annual adjustment of the rental for properties by applying the Consumer Price Index (CPI) - All Groups Sydney.

Request for Proposal (RFP) means the document issued to request interested parties to submit a proposal for the potential lease, use and/or improvements of a more complex property or for leases requiring multiple uses and significant capital investment in order to pre-qualify short-listed participants to subsequently participate in a formal tender process.

Request for Tender means a published notice inviting businesses who satisfy the conditions for participation to submit a tender in accordance with requirements of the request for tender and other request documentation.

Residual Value of Improvements means the future value of an improvement in terms of percentage of depreciation of its initial value.

Retail Lease means a lease of land or property for shops or small office or 'back of house' space for retail activities, tourist activities including restaurants, catering facilities, bars, hospitality operations and similar uses.

Retail Outlets means retail lease of land or property in accordance with the *Retail Leases Act 1994* including Premises for the provision of food or entertainment (other than a registered club), a take-away outlet on a public ferry wharf or privately owned waterfront restaurant and also includes small office or 'back of house' space for retail activities, tourist activities including catering facilities, bars, hospitality operations and similar uses.

Retail Precincts means water-fronting development that includes a number of retail, cafes, related food and entertainment outlets with public access and public amenities operating as a retail precinct.

Revenue means;

- The gross revenue of the business or operations of the Lessee including all income generating activities such as the sale of goods or services as well as grants, sponsorships and donations but not including gaming machines authorised under the *Gaming Machines Act 2001*; and
- The net revenue from gaming machines licensed or authorised under the Gaming Machines Act 2001).

Revenue Rent means the rent that is payable based on calculations using a percentage of the Lessee's total gross revenue from the business enterprise.

Review Date means each anniversary of the commencing date after the commencing date.

Risk Register means a risk management process to log all risks identified for a project or property and including information on risk probability, impact, mitigation and management and responsibility allocations.

Roads and Maritime Services (RMS) means the NSW Government authority that has responsibility for the major roads, manages traffic and road properties, regulates vehicles and vessels, licenses drivers, promotes road and navigation safety and manages Maritime Properties.

Seawall has the same meaning as in the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Serious Property Damage means damage to the property or part of the property the occurrence of which results in it being:

- Unsafe; or
- Wholly or partially incapable of or unsuitable for occupation or for use for the purpose of carrying on the Lessee's business and/or the activities comprising and incidental to the permitted use.

Services means all services and systems provided to the Premises or available for use including electricity, light, gas, oil, water, air conditioning, power, fuel, sewage, telephone services, cleaning and all other services furnished or supplied to the Premises.

Shared Occupancy means the shared use of a property or facility by more than one Lessee in terms of the lease or license agreement.

Site Assessment means a site assessment of the relevant Land for the purposes of determining the most appropriate maritime or commercial use(s) of the Land, whether to offer a new or renewed lease for the land or property and/or the category or categories of lease to be offered.

Site Induction means the introduction of contractors engaged to carry out works detailing the safety rules, property rules, hazardous materials and procedures for emergency situations.

Slipway means a structure located on the property, including a structure on both the property and the adjoining land that allow Vessels to be drawn out of the water for maintenance and repair and includes all associated rails, cradles and winches.

Stakeholder means any individual or a company that has some form of interest or concern over a particular matter or property.

Statutory Land Value means the value assigned to each property and used by statutory authorities to determine the amount of rates and tax payable by a landowner.

Strata Marina means landing jetties, piers, pontoons or similar under the control of a strata block of residential accommodation adjacent to the water for use by private residents and where a defined number of private Vessels can be docked or berthed and where there is no intention to generate a commercial return.

Strategic Property Plan means a planning document that provides guidance on strategies and priorities concerning all aspects of managing and maintaining a particular or group of properties for the ensuing year.

Stay Chain means a chain or other similar device used to stabilise a pontoon.

Structural Certificate means a certificate issued by a Qualified Person certifying the structural sufficiency of the Improvements on the leased land or property.

Structure(s) means anything built, erected or placed, wholly or in part, on RMS land and may include a jetty, pontoon, boatshed, slipway or swimming enclosure.

Subdivision means the division of land into two or more parts that may be utilised or leased for separate purposes.

Subdivision Plan means a set of plans submitted by an applicant for subdivision approval for the governing body, for example the Land and Property Information (LPI).

Sub-lease or Sub-licence means the leasing of a property or part thereof by a Lessee to a third party with the approval of RMS and where all the original lease obligations remain with the original Lessee.

Sub-Lessee means the person or entity which has entered into a sub-lease arrangement with the Lessee.

Subsidiary means in relation to a:

- Body corporate, means a subsidiary within the meaning of Division 6 of Part 1.2 of the *Corporations Act*;
- Trust, means a trust that would be a subsidiary within that meaning if it were a company, equating for this purpose;
- Shares with the beneficial interests or units held in the trust; and the board of directors with the trustee; and
- Body corporate or sub-trust owned or held as an asset of a trust, means a subsidiary within any previous meaning, which would be applicable if the trust were a body corporate.

Supplementary Rent means additional rent payable above the interim or base rent as determined in accordance with the lease agreement.

Sydney Harbour Boating Destinations Plan means the plan that has been structured to encourage and promote 'destinations' for recreational boaters at marinas on Sydney Harbour through utilisation of discount rental rates.

Term means the initial term of the Lease Agreement as agreed in the lease negotiations during which period the Lessee will have quiet enjoyment of the property and usually includes any holding over period referred to in a clause.

Termination means the action of bringing an occupancy or Lease Agreement to an end either through the Lessee or Lessor serving notice in terms of the Lease Agreement.

Termination Date of a Lease Agreement means the earlier of:

- Expiry Date; and
- Date on which the lease is terminated by either party in terms of the Lease Agreement.

Termination Management means the process undertaken in the termination of a Lease by Roads and Maritime Services as the Lessor.

Termination Notification means the formal written notice of termination given by Roads and Maritime Services to the Lessee

Term Sheet means a non-binding document in which terms and conditions outlining the key commercial terms sought and agreed upon between the parties in the negotiation process. A Term Sheet usually represents the first step in the negotiation process towards a full legal binding lease or other agreement (see also the definition for Heads of Agreement in this glossary).

Total Gross Revenue means the total revenue received by the Lessee from the business operations before any deductions or allowances.

Total Rent means in each lease year the rent payable by calculating the base rent plus the Supplementary Rent. The Supplementary Rent can be a positive or negative amount.

Transferable Lease means a Lease Agreement that can be assigned to a third party such as incoming owners following the sale of an adjoining freehold property and permitting the remainder of the current lease term to be transferred or a new lease and term started.

Unauthorised means the use of, and/or the erection of any structures on Roads and maritime Services land or property, that the Lessee or their predecessor(s) have not obtained all the relevant legislative and Roads and Maritime Services approvals.

Unauthorised structure means a structure that has been erected, altered or added to without having obtained the relevant legislative and Roads and Maritime Services approvals.

Unsolicited Enquiry means a request for information or submission of a proposal for a particular property that was not requested or sought by RMS.

Utilities Lease means the lease of Roads and maritime Services property for non-marine industrial or commercial operations such as communications, power or water supply, whether by a public utility provider or the commercial and private sector, and where no income-generating activity is directly conducted on the land that is subject to the lease provision such as communications, power and water and also for private facilities necessary to enable a public utility service provider to carry out its operations as a public utility.

Vacant Possession means the returning or delivering of a property clear of occupants, Lease Agreements or legal Encumbrances and being available for immediate occupation subject to the condition of the improvements.

Valuation report means a valuation report prepared in accordance with the Australian Property Institute's reporting standards and any written instructions issued by RMS.

Valuer in the context of this policy means a person who has at least 5 years' experience as a Valuer of properties of a similar kind to the subject property and who is a Qualified Valuer.

Vessel has the same meaning as in the *Ports and Maritime Administration Act 1995*.

Vessel Length means vessel length overall (LOA) including the full length of the hull plus outboard motors, bowsprits and all other appendages.

Void means an area of land or property which while not occupied by structures, is included in the leased land because the area is alienated from public use.

Wharf Rules means the rules governing the access to and activities that can be undertaken on specific wharves. This typically only applies to the wharves used for charter and commuter vessel services.

Whip means a device, similar to a davit, which acts as a spring to store a Vessel in a suspended position alongside a dock.

WHS Legislation means any Law that relates to the health and safety of employees, contractors or other persons at workplaces including the *Work Health and Safety Act 2011 (NSW)* and the *Work Health and Safety Regulation 2011 (NSW)*.

Work-as-Executed (WAE) Survey means a survey of the Improvements to a standard specified by Roads and Maritime Services, conducted by a registered land surveyor and consisting of:

- a) A plan of the survey, including usual title block details such as the site description, the surveyor's name, signature and date of the survey, the plan's scale and datum, and such other information generally included in a survey; and
- b) A data/CAD file of the survey, geo-referenced to the Map Grid of Australia (MGA) coordinates on the Geocentric Datum of Australia (GDA94) and layered in such a way to clearly indicate what type of feature is represented by each layer.

Workers Compensation Insurance means the insurance required under the Workers Compensation Act 1987

Works related to Roads and Maritime Services Maritime property includes without limitation:

- Erection, rebuilding or replacement of any Improvement or other structure;
- Any alteration or addition made to the Premises, including the addition of any Reclamation, embankment, rubble earth or other filling;
- Removal or demolition of any Improvement, Reclamation, embankment, rubble earth or other filling;
- Repairing, painting or chemically treating the Premises;
- Redecoration or refurbishment of the Improvement;
- Dredging or deepening of the seabed; or
- Repairs required as a result of damage or climate change.